

Changes to the Forestry (Felling of trees) Regulations 1979

Question 1: Do you agree that the prescribed period should be 1 month in line with current requirements under the Forestry Act 1967?

If not, what prescribed period do you feel is appropriate and why?

Yes. Our members agree that one month seems like a sensible time frame and it has been suggested that this provision may allow for Natural Resources Wales (NRW) to remove or amend the current Tree Preservation Order requirements from within the current felling license application. However, there are reservations from our members about how a felling license breach would influence the advice provided to clients when purchasing woodland. Currently, the signed agent authority is required to access previous felling licenses and agreed terms from the regulator. The Institute proposes that clarification is provided on how purchasers will be notified of breaches attached to felling licenses. We recommend a discussion as to whether this will need to be clarified regarding sales particulars.

Question 2: Do you agree with the prescribed manner and that the prescribed period should be 3 months with extension where a notice relates to a suspension?

If not, what prescribed manner or period do you feel is appropriate and why?

Yes. Our members agree that three months from receipt of notice is reasonable and prudent, particularly if evidence gathering is necessary. But we suggest that further clarification is needed as to what the period for appeal with extensions would be.

Question 3: Do you agree with the prescribed manner and that the prescribed period should be 3 months?

If not, what prescribed manner or period do you feel is appropriate and why?

No. Though we support the prescribed period in principle, we suspect that the approach to changes to the Forestry Act 1967 in all forms, including the proposals to form the Forestry (Felling of trees) (Amendment)(Wales) Regulations 2023 requires further consideration, with thorough sector consultation, to ensure that the amendments deliver against needs and complement developments within the agricultural sector.

Our members have raised concerns around the obstruction of felling operations and what the implications of the 3-month period will be, with the impact of the obstruction to felling an unknown. The time frame for claims regarding successful appeals should be given further consideration, particularly with the implications this may have on felling windows. In certain circumstances, this could impact operation viability – particularly where the licence has

commercial value, which might be undermined if that licence cannot be relied upon. A claim period of up to 12 months for a successful appeal has been recommended by our members.

These prescribed periods need to be considered in accordance with the Environmental Conditions being attached to Tier 2 and Special Condition licences. The opportunity to issue licences with ancillary conditions, in addition to the existing guidance notes, has the potential to limit forestry professionals from making informed decisions relevant to specific operations; with the prescribed period potentially impacting on mitigation measures that are time restricted. Again, the Institute proposes that further clarification is needed for compensation; to justify how much compensation will be paid and in what situations as there has been no detail in this regard.

Question 6: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

As the Royal Chartered body for tree professionals in the UK, the Institute welcomes the chance to provide a steer to the proposed amendments of the Changes to the Forestry (Felling of trees) Regulations 1979. We do, however, query the rationale for introducing the proposed changes to amend, suspend and revoke felling licenses. As per our response to the Agriculture (Wales) Bill, professional forestry input is needed as part of Natural Resource Wales's process for proposing these changes, and it is not clear where this input has been sought. Having consulted with our members, we suggest that there needs to be increased trust within the regulatory system and regulatory bodies, and more discussion around the potential practical implications of such changes.

Our members work in a diverse range of roles and there are diverging views on regulation and what this may mean for the sector. We welcome the focus on forestry and protecting the wider natural environment. However, there is a consensus that this is an unnecessary overreach, with the legislation having the potential to impose an impact on the landscape and the economy. We appreciate the principle to be proportionate, but it is felt that the proposed revisions have the potential to isolate the management of our smaller woodlands and provide a further divide between forestry, farming, and investment. There has been a request from our members that evidence is produced to support the underlying issues that Welsh Government are trying to resolve. The details provided should reassure the sector that the regulator will act proportionately and fairly.

Government needs to consider carefully how these notifications will be delivered and the Institute would welcome a discussion on this. Our members have shared that they would welcome more robust feedback for the reasoning provided on decisions made and the need to adhere to the six-month process. For farmers, landowners and even the largest forest management companies, the decisions can have a significant impact on their work.

There are concerns that these developments are adding convolution to what has been a straightforward process for securing a felling license, particularly in relation to potentially avoidable delays and financial loss in the forestry and timber sector. We recommend that Welsh Government and Natural Resources Wales provide evidence of measurable improvement seen to biodiversity through these changes if they are implemented.



Biodiversity enhancement is a priority under the Environment (Wales) Act 2016, and our members have presented concerns that such changes could cause further decline.

We want to work with Welsh Government and regulators to develop a process which embeds the UK Forestry Standard and wider environmental legislation within the Forestry Act. We welcome further engagement with Welsh Government and Natural Resources Wales on the proposals, particularly as the detail is developed, and offer to convene an advisory group from our membership in Wales. This is the most important land management change in half a century. It is vital that we capitalise on this opportunity to get it right for the environment, for all land managers, for our businesses and our rural communities.